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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/867,200  | 05/29/2001  | Robert H. Scheer     | 31083.05US3         | 5897             |
| 34018   | 7590        | 10/06/2005           | EXAMINER            |                  |
| GREENBERG TRAUIG, LLP<br>77 WEST WACKER DRIVE<br>SUITE 2500<br>CHICAGO, IL 60601-1732 |             |                      | CUFF, MICHAEL A     |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3627                |                  |

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*mu*

## Office Action Summary

Application No.

09/867,200

Applicant(s)

SCHEER, ROBERT H.

Examiner

James S. McClellan

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/29/05

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Reopening Prosecution Following Appeal Brief*

1. In response to the Appeal Brief filed 4/8/05, prosecution has been reopened and a new ground of rejection is set forth in this non-final Office action. This Office action is supplemental to the Office action mailed 7/8/05. Claims 4-9 are pending.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,608,621 (hereinafter "Caveney") in view of U.S. Patent No. 5,819,232 (hereinafter "Shipman").

Caveney et al. shows, figure 12, (from column 3) a computer system and method for controlling the number of units of each of a plurality of different parts in an inventory. In a preferred embodiment, the computer system comprises a memory which stores a part data table for each part, an input device which receives a selected inventory investment constraint, a processor which retrieves the part data table for each part and determines a minimum unit replenishment quantity (part of the reorder point equation, replenishment method) and a safety unit quantity (base stock level) for each part, and an output device which outputs the minimum

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unit replenishment quantity and the safety unit quantity for each part. The part data table (the curves in figure 12 are derived from the part data table, the common slope or critical ratio is determined by using these curves and thus also using the forecast of demand) for each part comprises the number of units of the part in the inventory, a forecast unit demand for the part, the cost of the part, a historical average ratio of units per order for the part, and an average number of units of the part expected to be in inventory for each of a plurality of expected part levels for the part. In order to determine the minimum unit replenishment quantity and the safety unit quantity of each part, the processor determines an expected number of fillable-from-stock orders and a slope (using critical stocking ratio for each part service level of each part. Each expected number of fillable-from-stock orders for each part is the product of the corresponding expected part service level and the ratio of the forecast unit demand for the part to the historical average ratio of units per order for the part. Each slope for each part is the ratio of the change in the corresponding expected number of fillable-from-stock orders for the part to the change in the ratio of the corresponding average number of units of the part expected to be in inventory to the historical average ratio of units per order for the part. The processor further determines a slope, which is common to each part and for which the sum of the expected part investments for each of the parts is equal to the selected inventory investment constraint. Still further, the processor determines the minimum unit replenishment quantity and the safety unit quantity for each part, which can effect the expected part service level for each part corresponding to the determined common slope.

Caveney fails to explicitly disclose the use of the inventory management system over a plurality of distribution points in the supply chain.

Shipman teaches that it is well known in the art to manage inventory over a plurality of distribution points (see column 2, lines 41-62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Caveney with inventory management over a plurality of distribution points as taught by Shipman, because tracking inventory at various points along the supply chain gives a better picture of actual inventory location and allows administrators to better plan for inventory needs.

#### ***Response to Arguments***

4. Applicant's arguments filed April 8, 2005 (Appeal Brief) have been fully considered but are moot in view of the new grounds of rejection.

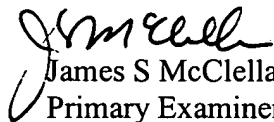
#### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. McClellan whose telephone number is (571) 272-6786. The examiner can normally be reached on M-F (9:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James S McClellan  
Primary Examiner  
Art Unit 3627

jsm  
9/30/05